THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.14939 of 2007

DATE: 19-07-2007

Between :

Konchada Kamesham & Company,
Kanchili,
Rep., by its Proprietor,
Srikakulam District.

... Petitioner

And

The Commissioner of Civil Supplies
Erramanzil, Hyderabad and 2 others.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 14939 of 2007

ORDER:

The petitioner is a wholesale dealer in kerosene. This writ petition is filed seeking a declaration that the action of the third respondent – District Supply Officer in seizing 12231 litres of Kerosene from the underground at the business premises of the petitioner on the ground of alleged variation of 4260 litres as arbitrary and illegal. The petitioner denies the alleged variation and contends that the impugned seizure which was effected without following the prescribed procedure for measuring the stock lying in the underground tank is arbitrary and illegal.

It is to be noted that basing on the seizure report, a show cause notice dated 11-06-2007 was issued calling upon the petitioner to show cause as to why his Form-B licence should not be cancelled and by separate order dated 11-6-2007 in exercise of the power conferred under Clause-28 of the A.P. Petroleum Products (L&RS) Order, 1980 the licence was suspended pending enquiry.

Aggrieved by the order of suspension of licence, the petitioner has preferred an appeal before the 1st respondent – Commissioner of Civil Supplies along with a stay petition and also submitted his explanation on 21-6-2007 to the show-cause notice and the enquiry is still pending.

That apart, the confiscation proceedings under Section 6-A

of the Essential Commodities Act, 1955 are also pending before the Joint Collector, Srikakulam in which the petitioner has already filed an application seeking release of the seized stock raising the very same grounds urged in this writ petition.

Having regard to the fact that the enquiry is pending before the Statutory Authorities, it is neither proper nor necessary for this Court to express any opinion as to the correctness of the allegations upon which the stock was seized.

The learned Government Pleader for Civil Supplies under instructions states that the first respondent-Commissioner of Civil Supplies has already called for the relevant records and the appeal will be disposed of expeditiously.

In the circumstances, without expressing any opinion on merits, the writ petition is disposed of with a direction to the first respondent to dispose of the application for stay filed by the petitioner in his appeal against the order of suspension as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J.

Date:19-07-2007
KLP